

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|-------------------------------------|---|-------------|
| ALLERGAN, INC. and DUKE UNIVERSITY, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | 1:12-CV-321 |
| |) | |
| |) | |
| ACTAVIS, INC. (F/K/A WATSON |) | |
| PHARMACEUTICALS, INC.), WATSON |) | |
| LABORATORIES, INC., and |) | |
| ACTAVIS PHARMA, INC. (F/K/A WATSON |) | |
| PHARMA, INC.), |) | |
| |) | |
| Defendants. |) | |

**STIPULATION OF DISMISSAL WITH RESPECT TO
U.S. PATENT NOS. 8,038,988 AND 8,101,161**

WHEREAS, the patents-in-suit in Case No. 1:12-cv-321 are U.S. Patent Nos. 7,351,404, 7,388,029, 8,038,988, and 8,101,161;

WHEREAS, the parties to the above-titled action seek to reduce costs, delay, and burden to the Court and the parties by dismissing U.S. Patent Nos. 8,038,988 and 8,101,161;

WHEREAS, the parties do not intend this stipulation to reflect a position regarding the merits of the claims, defenses, counterclaims, and arguments that are the subject of this stipulation;

NOW THEREFORE, Plaintiffs and Defendants, by and through their respective undersigned counsel in the above-titled action, HEREBY STIPULATE AND AGREE as follows:

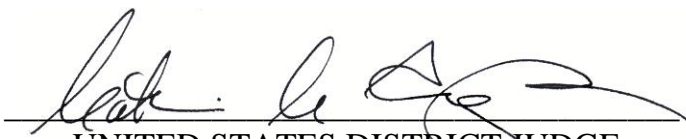
1. Counts V and VI described in Plaintiffs' Complaint for Patent Infringement filed in this action (Docket No. 1, Case No. 1:12-cv-321) are dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii);

2. Counts I and II of Allergan's Counterclaims for infringement filed in this action (Docket No. 25, Case No. 1:12-cv-321) are dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii);

3. Counts Five, Six, Seven, and Eight described in Defendant's Counterclaims filed in this action (Docket No. 19, Case No. 1:12-cv-321) are dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii);

4. Each party shall bear its costs and attorneys' fees as to these Counts and Counterclaims.

This the 10th day of February, 2015.



UNITED STATES DISTRICT JUDGE

By: /s/ Larry McDevitt

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